Court No. 2

Writ Petition No. 3466 (S/S)of 2001

Dinesh Kumar ……. Petitioner

Vs.

G.M, U.P. State Sugar Corporation
Doiwala, Dehradun …….. Respondents

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Hon'ble P.C. Verma, J.
Hon'ble Irshad Hussain, J.

** Issue raised in these writ petitions relates to the remedy to be availed under the Industrial Disputes Act, which will be considered in view of the law laid down by the apex Court in the case of the Premier Automobiles Ltd. Vs. Kamlakar Shantaram Wadke and others reported in A.I.R. 1975 SC 2238 that if the dispute relate to the industrial law, forum is provided under the Industrial Disputes Act. In view of this, we relegate the petitioners to avail remedy before the Labour Court to adjudicate and decide the issue on merit.

Let these writ petitions be transferred to Labour Court at Dehradun and these shall be decided by the Labour Tribunal preferably within a period of three months from today.

In the meantime, all the petitioners shall be paid minimum of pay scale as and when they are engaged till the decision of the Labour Court.

Dt. 23.05.2002 Sd/- Sd/-

A

****Modified as per our orders of date on separate sheet. 28/06/02.**

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Hon'ble P.C. Verma, J.
Hon'ble Irshad Hussain, J.

The matter for review has come up before this Bench from the Registry.

Considering the facts of the case, we review our order dated 23.05.2002 and modified the same as under.

Issue raised in these writ petitions relates to the remedy to be availed under the Industrial Disputes Act, which will be considered in view of the law laid down by the apex Court in the case of the Premier Automobiles Ltd. Vs. Kamlakar Shantaram Wadke and others reported in A.I.R. 1975 SC 2238 that if the dispute relate to the industrial law, forum is provided under the

Industrial Disputes Act. In view of this, we relegate the petitioners to avail remedy before the Labour Court to adjudicate and decide the issue on merit.

The petitioners in the above noted writ petitions are at liberty to approach to the Labour Court for the redressal of the grievance canvassed herein. With this, all these petitions are disposed of.

In the meantime, all the petitioners shall be paid minimum of pay scale as and when they are engaged subject to the Award made by Labour Court.

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